

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 4-14-16

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TODD RETALLACK,

Petitioner,

-against-

**J. DEMARSE, as Superintendent of Altona
Correctional Facility,**

Respondent.
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15-cv-0135 (ALC) (JCF)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

ANDREW L. CARTER, JR., United States District Judge:

Petitioner Todd Retallack (“Petitioner”) filed a Petition for Writ of Habeas Corpus (the “Petition”) dated December 26, 2014, pursuant to 28 U.S.C. § 2244(d). The Petition alleges that the trial court improperly dismissed a sworn juror in violation of state law and of his federal constitutional rights under the Sixth Amendment.

On February 19, 2015, this matter was referred to United States Magistrate Judge James C. Francis IV. Magistrate Judge Francis subsequently issued a Report and Recommendation on June 8, 2015, recommending that the Petition be dismissed.

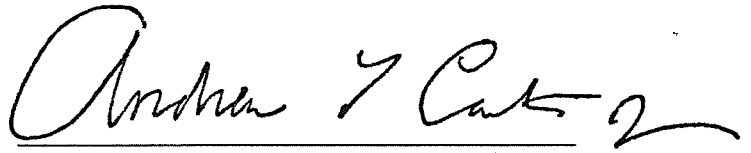
Despite notification of the right to object to the Report and Recommendation, no objections were filed. Where no timely objections are made, the Court may adopt the Report and Recommendation as long as there is no clear error on the face of the record. Sacks v. Gandhi Eng’g, Inc., 999 F. Supp. 2d 629, 632 (S.D.N.Y. 2014) (citing Wilds v. United Parcel Serv., 262 F.Supp.2d 163, 169 (S.D.N.Y.2003)). In light of the lack of any objections to the Report and Recommendation and the fact that Court finds no clear error in the record, the Court adopts Magistrate Judge Francis’ Report and Recommendation in its entirety.

The Petition is hereby DISMISSED with prejudice. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: April 14, 2016

New York, New York

A handwritten signature in black ink, reading "Andrew L. Carter, Jr.", written over a horizontal line.

HON. ANDREW L. CARTER, JR.
United States District Judge